

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: **Childress et al.** §  
Serial No.: **Not Assigned** § Group Art Unit: **Not Assigned**  
Filed: \_\_\_\_\_ § Examiner: **Not Assigned**  
For: **Apparatus and Method for Allocating  
Resources Based on Service Level  
Agreement Predictions and Associated Costs** §  
§ Attorney Docket No.: **AUS920040117US1**  
§

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants request that the information listed on the attached Form PTO-1449 be considered by the Office during the pendency of the above entitled application, pursuant to 37 C.F.R. 1.97.

Please charge any fees necessary for prosecution of the present application to Deposit Account No. 09-0447. If any extension of time is required, such extension is hereby requested. Please charge any additional required fee for extension of time to Deposit Account No. 09-0447.

In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not constitute an admission that any information cited therein is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b). In the interest of full and complete disclosure to the Office, some or all of the art cited herein may not be considered by Applicant(s) or the Undersigned to be material under the new standards of materiality defined in 37 C.F.R. 1.56(b), enacted March 16, 1992, but may be material under the old standard of materiality defined in 37 C.F.R. 1.56(a), last amended on November 28, 1988, or may merely be technical background which may be of interest to the Examiner. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

This Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(b) within three months of the filing date of the application, or before the mailing date of a first office action on the merits. No fee is required.

Date: 3/31/04

Respectfully submitted,



Jeffrey S. LaBay  
Registration No. 31,633  
IBM Corporation  
Intellectual Property Law  
11400 Burnet Road  
Austin, Texas 78757  
(512) 823-0494

<b>Form PTO-1449</b>		ATTORNEY DOCKET NO. <b>AUS920040117US1</b>	SERIAL NO. <b>Not Assigned</b>		
<b>LIST OF PRIOR ART CITED BY APPLICANT</b> <i>(Use several sheets if necessary)</i>		APPLICANT <b>Childress et al.</b>			
		FILING DATE	GROUP ART UNIT <b>Not Assigned</b>		
<b>U.S. PATENT DOCUMENTS</b>					
EXAMINER INITIAL	DOCUMENT NO.	PUBLICATION DATE	INVENTOR NAME	CLASS/ SUBCLASS	FILING DATE
<b>FOREIGN PATENT DOCUMENTS</b>					
EXAMINER INITIAL	DOCUMENT NO.	PUBLICATION DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES NO
<b>OTHER PRIOR ART</b> (including author, title, date, pertinent page, etc.)					
AA	Service Level Management Buyer's Guide, 2002 Enterprise Management Associates, Inc., pp. 1-5.				
AB	IBM Tivoli Service Level Advisor - Predicting Service Level Assurance, 2002 Enterprise Management Associates, Inc., 1 page.				
AC	IBM Tivoli Management Suite - Guaranteed Service Delivery, 2002 Enterprise Management Associates, Inc., April 2002, pp. 1-10.				
AD	IBM Tivoli Service Level Advisor, <a href="http://www-306.ibm.com/software/tivoli/products/service-level-advisor">http://www-306.ibm.com/software/tivoli/products/service-level-advisor</a> , 2/23/04, pp. 1-2.				
<b>RELATED PATENT APPLICATIONS</b>					
EXAMINER INITIAL	APPLICATION NO./ ATTY. DOCKET NO.	APPLICANT	TITLE	FILING DATE	
DATE CONSIDERED		EXAMINER			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP § 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					